

## **MINUTES OF REGULAR MEETING HELD MARCH 13, 2018**

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, March 13, 2018 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 12, 2017. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, THE STAR LEDGER, and TAP INTO WESTFIELD and filed with the Clerk of the Town of Westfield.”

**PRESENT:** Mayor Brindle, Council Members Habgood, Arena, Dardia, Neylan, LoGrippo, Contract, Stokes, Mackey

**ABSENT:**

### **INVOCATION AND FLAG SALUTE**

Invocation was given by Councilwoman Habgood followed by the flag salute.

### **PRESENTATIONS**

#### **Race 4 the Children**

Mayor Brindle invited Andrew Ertman to come forward to discuss the 2018 Race 4 the Children event which would be held Sunday, April 22, 2018 in Linden.

#### **Westfield Rescue Squad Proclamation**

Mayor Brindle announced that representatives from the Westfield Rescue Squad were unable to attend tonight's meeting and that the Proclamation would be presented on March 27, 2018.

#### **Town Administrator Reports**

- The Town Administrator discussed recent storms and commended the efforts of the Department of Public Works (DPW), Police Department and Fire Department.

#### **Mayor's Remarks**

- Discussed back to back storms that occurred, which caused significant damage that the Town had not been seen since Superstorm Sandy. Informed residents that three thousand (3,000) homes were without power, forty (40) roads were closed due to downed wires and trees, and nearly three thousand (3,000) 911 calls were made. Explained that DPW went to work immediately to remove snow and downed trees, and the Police and Fire Departments made sure residents were safe. Stated that while Westfield sustained the most damage of all towns in Union County, roads were cleared and power was restored more quickly than some neighboring towns. Explained that a great deal of work occurred

behind the scenes, and that she experienced first-hand the Town Administrator's professional and critical relationship with utility companies which was instrumental in restoring power to residents. Also recognized Temple Emanuel and Coldwell Banker who opened their doors to those without power, and thanked residents and businesses, such as Jersey Mikes and Stop and Shop, who donated food to employees who worked thirty (30) hours straight. Commended residents for demonstrating patience, compassion and resilience during the storms, and thanked everyone for their acts of kindness. Also thanked Chief Wayman, Chief Kelly and all employees for their efforts;

- Discussed her attendance at the Recreation Commission Meeting on March 12, 2018 and the decision to revisit the Tamaques Park field renovation project. Reassured the Town's youth sports organizations of the Town's intention to bring new lighted fields to Westfield, but explained that she feels it needs to be done in a way that allows for broader public input and the involvement of new stakeholders to ensure the best outcome is delivered to the leagues and taxpayers. Explained that since the plan was conceived, there is a new mayor and new council members, as well as many new stakeholders who were not part of the planning process, such as Parks and Recreation Director Don Bogardus, DPW Director Greg O'Neil, and four (4) new members of the Recreation Commission. Feels as newly elected officials, they would be remiss if they did not scrutinize the project, which is estimated to cost approximately \$6.8 million. Feels incorporating the project in the Master Plan would allow for a potentially better and long-term outcome to emerge, with a six to twelve (6-12) month delay beyond what was originally suggested. Stated that she looks forward to working with Gary Fox, Recreation Commission chair, and the Parks and Recreation Director on this initiative. Explained that it will not be a discussion of whether new fields are needed, but how the project gets done.

## **APPOINTMENTS**

## **ADVERTISED HEARINGS**

GENERAL ORDINANCE NO. 2093 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB1-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Douglas Miller, 619 Carleton Road, stated that he reviewed all of the ordinances scheduled for public hearing tonight and has questions concerning several of them. Specifically to General Ordinance No. 2093, discussed the number of units per acre, the fact that they will be rental units, and requested clarification as to the total number of acres to be included, and the area to be covered. Feels the public has no insight as to the total number of units, the obligation to the Town, and how the Town would address impact to the schools. Referred to issues in Cranford at property on Walnut Avenue and in Downtown Cranford and expressed concern that Westfield will face similar issues. Requested information as to the total number of units proposed for each ordinance, the

proportion of those that will be affordable, and the method for property selection. Feels there appears to be favoritism as to the selection of properties. Also questioned why some ordinances specify that the units would be rental, while other ordinances provide no specifics. Lastly, requested clarification as to parking requirements, stating that some ordinances indicate the number of parking spaces to be included, while some do not.

The Town Administrator explained that nine (9) ordinances are being considered, seven (7) of which allow for overlay zones required per a court-ordered settlement. The remaining two (2) ordinances involve density changes. Announced that the Town Planner, Don Sammet, and Affordable Housing Planner, John Szabo, are in attendance and would respond to Mr. Miller's questions.

Mr. Sammet stated that an analysis as to the total buildout was prepared, and the maximum buildout for the seven (7) overlay zones results in a total unit count of six hundred and ninety-one (691) units, with approximately one hundred (100) being affordable housing units. Explained that the reason parking requirements are not the same across the board for each ordinance is because some of the ordinances involved specific settlement agreements with individual developers. Those developers brought forth concept plans which were reviewed by the Town, the Fair Share Housing Center (FSHC), and Union County Superior Court. Those concept plans included specific parking layouts. Further explained that those overlay zones without specific settlement agreements with developers include parking standards applicable to the GB1 and CBD zoned districts, which are multi-family developments located in areas considered to be transit-oriented, in close proximity to the downtown, and mass transit.

The Town Administrator reiterated that these ordinances are part of a court-ordered settlement. In addition, the overlay zones provide an opportunity for a property owner to develop a property that is different than the current use. These ordinances are applied towards the Town's unmet need as a part of the affordable housing requirements. Explained that affordable housing obligations involve a Town's unmet need as well as its realistic development potential (RDP). Discussed existing developments in Westfield that include affordable housing units which were applied to the Town's unmet need, specifically 333 Central Avenue and an upcoming development at the corner of West Broad Street, South Avenue and Rahway Avenue. Further explained that all municipalities are required to comply with its affordable housing obligation. Feels Westfield's settlement agreement is the best agreement that could be achieved under the requirements of the law. Also informed residents that the Town Council issued an FAQ that is available on the Town's website, which answers many questions residents have concerning these ordinances and affordable housing.

Mr. Szabo addressed Mr. Miller's comment as to the selection of properties and assured residents that the selection process was not arbitrary. Explained that the Town was required to work with a court-appointed special master, who then reports to the court as to whether or not the Town could meet its constitutional obligation under the Mount Laurel decision. A plan was prepared that respected the Town's current policy, and the

areas selected are south of the North Avenue corridors, where affordable housing zones already exist. The plan that was developed also allows for a cohesive development pattern along those corridors, which are in close proximity to the downtown and mass transit, and are areas that can accommodate this type of density. Stated that this benefits the Town because it allows for the implementation of standards to revitalize the area. These areas were also identified by the court to be appropriate for affordable housing.

Mr. Miller stated that most of the properties selected are between Central Avenue and the Garwood border. Questioned why some properties were included and others were not. Stated that it is his understanding that the court order pertains to the total number of units, not the selection of properties or density. Feels the density and the properties selected appear to be arbitrary.

Mr. Szabo explained that densities are established as a realistic opportunity to promote development, they are not established arbitrarily. Further explained that the densities were deemed appropriate and were negotiated with FSHC and the court master to ensure there is no overdevelopment of the corridor, but reasonable development. The reason some properties were selected and others were not was because the Town was attempting to maintain a mix of use that is consistent with the underlying zone, and to provide an opportunity for those properties that exhibit the worst characteristics to be revitalized.

Mr. Miller referred to Mr. Szabo's explanation of the selection process and feels it is the same process that was voided when Cranford attempted to condemn certain properties because the Township felt it did not meet certain standards. Feels this indicates that the selection of properties was arbitrary.

Mr. Sammet explained that this process is not the same process attempted by Cranford because it is not a condemnation proceeding and it is not a redevelopment plan under the Local Redevelopment Housing Law. These ordinances propose overlay zones and conventional zoning through the Housing Element and Fair Share Plan that was adopted by the Planning Board on March 5, 2018. These overlay zones provide consistency and a cohesive land use arrangement. They are not connected with how Cranford or other communities choose to meet their obligation.

The Town Administrator explained that there was a negotiation process involved with the selection of properties. The court master toured Westfield to review properties, and ultimately the court master made a recommendation to the judge. Town professionals showed the court master various properties throughout the Town. In addition, densities were also negotiated.

Mr. Sammet explained that the Town was fortunate to have an experienced court-appointed master who toured the Town to identify areas best suited for multifamily housing with an affordable housing component. Those include the properties that were identified because they are heavily travelled roadways that are in close proximity to mass transit. A tour of the Town occurred twice with the court master. The Town's legal

counsel also toured the Town, and FSHC did significant research as to appropriate locations for affordable housing in Westfield. Also explained that FSHC is a court recognized special interest party in promoting affordable housing in New Jersey. Feels it was important for the Town to settle with FSHC because FSHC needs to endorse the Town's housing plan as well. Also explained that Cranford was using the redevelopment law and potential condemnation and was rewriting its zoning under a redevelopment plan. The ordinances being proposed tonight provide an option for an overlay zone, meaning the existing zoning remains in place. Development can continue to occur under the existing zoning. The overlay zone provides an option if someone would like to build multifamily housing in that zone at the density prescribed with an affordable housing component. It is not a complete rezoning, condemnation action or redevelopment plan. It is an option for Westfield to provide a real opportunity to meet its affordable housing obligation. If the Town does not meet its obligation, it is subject to a builder's remedy lawsuit which occurred in Westfield with the Sunnyside property. Lastly, explained that Westfield's settlement with FSHC allows Westfield to control where and at what location affordable housing is built.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2094 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB2-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2095 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB3-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2096 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY

ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE C-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2097 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE SW-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Douglas Miller, 619 Carleton Road, stated that previous ordinances specified that units would be for rent, but this ordinance and the remaining ordinances to follow tonight do not specify whether units would be for rent or purchase. In addition, Mr. Miller requested clarification as to the size of the units and the number of bedrooms for each. Feels the type of unit would impact the school system and there should be a discussion by the Town as to the impact to schools and the cost to taxpayers.

Mr. Sammet explained that there is no requirement as to the type of unit, but the current development climate indicates that developers are building multifamily projects with studio and two (2) bedroom units. The affordable housing rules, specifically Uniform Housing Affordability Control, requires a mix of one (1), two (2), and three (3) bedroom affordable housing units. The percentage of affordable housing units required ranges between fifteen (15%) and twenty (20%) percent of total units. Studies show that multifamily housing developments have a dramatically low number of school-aged children as compared to single family homes. Various studies indicate that there is one (1) school-aged child for every thirty-three (33) units of multifamily housing. Cited 333 Central Avenue as an example and stated that this property consists of seventy (70) units, but has no school-aged children to his knowledge. Explained that if the Town needed to meet its affordable housing obligation with detached single family housing, there would be a significant impact to schools.

Mr. Szabo explained that the Town’s Housing Element and Fair Share Plan provide for compliance with the Uniform Housing Affordability Control requirements for the State of New Jersey. This dictates that one (1), two (2), and three (3) bedroom units must be included to be in compliance. Further explained that the reason there is no fiscal analysis prepared for the plan is because it is not a consideration of the court. The Town cannot argue to the court that it should not have an affordable housing obligation because of impact to the schools because the court would reject it, and this has been made clear by the Supreme Court through many years of Mount Laurel decisions. Reiterated Mr.

Sammet's comment concerning studies that indicate that multifamily development does not generate a large number of school-aged children.

Mr. Miller discussed the plan for a parking garage considered by Westfield several years ago that included residential housing units. Stated that there was a discussion at that time as to the number of units and the impact to the schools. Feels Westfield is an attraction because of its school system. Stated that he knows of at least one family who rented an apartment in Westfield just to allow their children to attend Westfield schools. Feels there will be many families willing to rent apartments so their children can attend Westfield schools.

The Town Administrator explained that the rules have changed since the time that the parking garage was considered. The Town no longer has a choice and must provide a certain number of affordable housing units. Explained that while the settlement agreement might not be the preferred choice, it is in the best interest of the Town. Further explained that that these ordinances pertain to third round rules for affordable housing requirements that every municipality must meet. The Town met its obligation under previous rounds, which involved development in various areas of Town. This round focuses on the North and South Avenue corridors. It will also be in effect until the year 2025.

Local real estate agent, stated that she has done research concerning Mount Laurel litigation and requested information as to the projected pricing of units.

The Town Administrator explained that there are ranges of pricing required under Mount Laurel, and those ranges vary according to the municipality. The ranges include pricing for low, moderate and very low income units.

Mr. Sammet provided examples of pricing within the 333 Central Avenue development and listed the prices for low, moderate and very low affordable housing units for both one (1) and two (2) bedroom units.

Local real estate agent requested clarification as to how the total number of units would be broken down throughout the Town.

Mr. Sammet explained that the maximum number of units would be divided over the seven (7) overlay zones. The ordinance requires mixed income development, which means a mix of market rate and low and moderate income housing. Stated that there is also a requirement for a fifteen (15%) to twenty (20%) set-aside for affordable housing units of the total number of units included in the development.

Local real estate agent requested clarification as to the outcome if these ordinances were not adopted by the Town.

Mr. Sammet explained that a developer would have the ability to file a builder's remedy lawsuit against the Town if Westfield does not meet its obligation. If that were to occur, Westfield would not have control over development, its location or its density. Also explained that the reason the Town is proposing these ordinances is to have control over development that occurs.

Local real estate agent asked if the state or federal governments subsidizes municipalities if there is a financial impact that results from these developments.

Mr. Sammet stated that no funds are provided to subsidize any financial impact.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2098 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE PA-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2099 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE RP-AHO DISTRICT AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Douglas Miller, 619 Carleton Road, stated that General Ordinance No. 2099 is the only ordinance that allows for an overlay zone in a residential neighborhood. Discussed the history of the development of Ross Place and stated that Ross Place and Boulevard were considered to be an upcoming premier area. Also discussed the characteristics of the neighborhood, stating that it is comprised of primarily large, vintage homes. Stated that this ordinance does not provide for affordable housing units, but for a payment in lieu of affordable housing units. It also doubles the existing density on Ross Place with a development that is not consistent with the character of existing homes, and allows for the demolition of larger, older homes. In addition, Mr. Miller stated that there is a parking issue in the area because of Carlton Towers, and feels the development proposed in connection with this ordinance offers no benefit to the Town. Also mentioned that it is not within a transit-oriented area.



The Town Administrator explained that the Town did not select this property to include in its affordable housing plan. The court process allows for objections from developers and property owners, and the owner of this property objected to the Town's plan. As a result, the court required that the Town negotiate with the property owner. This property was included in the Town's plan as a result of a settlement with the property owner.

Mr. Sammet explained that negotiations with the property owner, the court's special master, and FSHC occurred with respect to this property, and its design is of a much different scale and development scheme than what was originally proposed. The Town was able to successfully negotiate to a development scheme that is best suited to the character of the neighborhood, by settling on a project similar to single family homes from the front.

Mr. Miller discussed his understanding of Mt. Laurel litigation, stating that he believes it requires that the Town provide a certain number of affordable housing units. Since this development does not provide any affordable housing units, stated that he does not understand why the Town agreed to this settlement. Feels the inclusion of this property in the Town's affordable housing plan is not necessary and could be in a different location.

Mr. Szabo stated that the Town did not select this site. It was a result of a court process, and the Town was obligated to consider ways to determine its realistic development potential and address this particular property. It chose to do that through a settlement. Confirmed that Mr. Miller is correct in that a payment is being made in lieu of providing affordable housing units. This payment would be allocated to an affordable housing trust fund which would fund other projects for the Town. There is a spending plan attached to the Housing Element and Fair Share Plan that the Town is required to fund. This payment would be allocated to that trust so that funds do not have to be raised through taxes. Further explained that, as a result of the governing body taking action on these ordinances, developers would not be able to build in Westfield at the expense of a builder's remedy lawsuit. Stated that Westfield's planning fate is sealed in this plan, and the Town would not have to allow any development outside of this plan. In addition, explained that there is certain immunity that is granted to the community. In addition, Mr. Szabo stated that this plan does not require any building, only that an opportunity be presented. Discussed other protections that would be granted through this plan and explained that the Town's unmet need as respects affordable housing cannot be used against it through a lawsuit, use variance or zone change.

Mr. Miller feels the Town is meeting its obligation through the other ordinances being proposed and this ordinance is unnecessary.

Mr. Sammet explained that this ordinance is required as part of the settlement process that was described by the Town Administrator.

Councilwoman Neylan explained that this development was brought upon the Town. The property owner objected and the Town worked hard for many hours on this issue. The governing body negotiated in an effort to have the property owner concede and agree to a project that was in the character of the neighborhood, and the Town had no choice but to include this property in its plan. Feels Westfield has taken the lead with respect to affordable housing, as opposed to other towns that have been “victims” of builder’s remedy lawsuits. Explained that Westfield has the same population as Princeton, but Princeton is required to build seven hundred and fifty-two (752) affordable housing units, which is a component of thousands of units they will be required to build in total. Feels Westfield is fortunate through the hard work of its professionals and elected officials to lead this effort so that Westfield remains a desirable town.

Mayor Brindle stated that while she is new to this process, she commends the previous council and the professionals for reaching this settlement. Explained that what resonated with her is the immunity clause that would prohibit a builder from using the Town’s unmet need to impose unwanted development on the Town. Feels the merits of affordable housing and the requirements imposed by the State could be argued, but explained that these ordinances relate to a court-imposed settlement that is in the best interest of the Town.

John Mulkeen, 520 Carleton Road, feels his block of Carleton Road has greatly improved since he first moved to Westfield. Expressed concern that there is currently a tranquil view behind his property, but with this development, there will be a view of a parking lot. Explained that while he did not expect the setting to remain, he also did not expect a parking lot to be built. Stated that he understand that the Town must comply with Mt. Laurel requirements, but asked if the details of this development were required for the Town to meet its affordable housing requirements, specifically, the five (5) foot setback for the parking area, the one (1) car garage per unit, and the minimum of twenty-two (22) parking spaces.

Mr. Sammet stated that the parking details were necessary because of existing parking issues on Carleton Road. The Town wanted to ensure that any new development required off-street parking. Further explained that the Town did not want the entirety of the long yard that abuts Mr. Mulkeen’s yard to be a parking lot, so it was required that certain parking spaces be between buildings and that each unit have its own internal garage. In addition, the five (5) foot setback was included to allow landscape buffers for light and noise that would come from the parking area. The parking was also placed as close to the building as possible in order to allow for as much open space as possible in that rear area. Explained that it was difficult to have all parking in the front on Ross Place so it had to be extended to the rear area.

Mr. Mulkeen asked if the setback could be changed from five (5) feet to ten (10) feet. Also discussed the character of the neighborhood and feels this development will not be consistent with that character. Stated that he understands that everyone worked hard, and

that it is an advantage to the Town to have control, but asked if it is necessary to approve this component of the plan tonight.

Mr. Sammet explained that this property is part of a negotiated settlement as approved by the court. During the development application review process for this property, which would be brought before the Planning Board, there could be a request for adequate screening and buffering. Also stated that the property owner is in attendance this evening and is hearing the concerns. Feels the property owner would be amenable to addressing them, but at this point, this design is part of the settlement and he does not believe it can be changed.

Mr. Szabo stated that he would advise against a change because it is attached to the court order. Discussed the difficulty in developing a concept plan without full engineer's drawings and explained that the design is all conceptual at this point. As the site plan process moves forward, there could be innovative ways to address the concerns with landscaping and buffering.

Henry Su, 515 Carleton Road, requested clarification as to the payment in lieu of affordable housing units and asked if this payment could be allocated towards education. Feels studies that indicate that multifamily housing development has little impact to schools are questionable. Stated that Carlton Towers has four (4) units, but has five (5) or six (6) school-aged children as residents. Feels only age-restricted development guarantees that there is no impact to the school. Discussed schools in the neighborhood and their size. Also discussed the decision not to move forward with full day kindergarten and feels it would be appropriate to allocate this payment to the schools.

Mr. Szabo explained that there is a cap on age-restricted housing and the Town has maxed out of credits for age-restricted units. Also explained that the payment in lieu of affordable housing units cannot be used to offset a potential impact to the schools. It can only be used to promote affordable housing programs for the Town.

Donna Perch, 610 Carleton Road, expressed concern with the plan and including these homes. Feels they are the most derelict properties on the block and that they are being rewarded for not maintaining their property.

Tina Torres, 611 Carleton Road, asked why this property could not be age-restricted since it does not include affordable housing units.

Councilwoman Neylan explained that it cannot be age-restricted because the Town has met its cap for age-restricted units.

The Town Administrator explained that the development cannot be age-restricted because it is part of the settlement agreement and part of the Town's affordable housing obligation.

Ms. Torres stated that everyone that builds new construction is required to make a payment.

Mr. Sammet explained that the payment required is a development fee, which is different than the payment in lieu of affordable housing units. Explained that both fees would be put into the trust account. Also discussed the percentage of payment required depending upon the type of construction. This property owner is exempt from the development fee because he is making a payment in lieu of providing affordable housing units.

Ms. Torres feels the developer is not providing anything beyond what is already required by law.

Mr. Sammet explained that the payment of \$111,000 in lieu of affordable housing units was the payment agreed upon through the negotiations process.

Ms. Torres stated that she needs a better understanding as to how this property was included if the owner is not providing affordable housing units.

Mr. Szabo explained the court process which requires that the judge certify that the Town's plan is compliant with its affordable housing obligation. As part of this process, property owners are permitted to intervene, and that is what occurred with this property. The Town was forced to consider this property in its plan. Feels residents would understand that this agreement is in the best interest of the Town if it were familiar with the original proposal for this site. Further explained that if the Town did not negotiate, at some point it would have been determined that this site is developable because of its proximity to other developments and the downtown. The Town wanted to negotiate the best plan to lower density and to preserve the character of the area.

Ms. Torres asked why the Town could not deny the developer's proposal because the property does not meet certain requirements.

Mr. Szabo assured residents that the Town struggled with this property, but knowing that this involved a court process, the Town attempted to negotiate the lowest density and best plan.

Mr. Sammet explained that this property was involved in a court process with testimony given by both sides.

Councilwoman Neylan stated that she understands residents' concerns, but the Town could not simply deny the property owner's request because of affordable housing laws. This particular property owner intervened before the Town's settlement was final, and because of its location and other factors, the court would find it to be a suitable site.

Ms. Torres asked for clarification regarding the noticing process.

The Town Administrator explained that this is the first notice to property owners because this property was not included in the plan at the time that other property owners were noticed.

Councilwoman Neylan stated that she is hopeful that this property owner will be a good neighbor and address the concerns expressed by residents.

John Mulkeen, 520 Carleton Road, asked if it's possible for the property owner to make a change to the design at this time.

Councilwoman Neylan stated that no change could be made because a settlement was agreed upon.

Irene Garber, 535 Carleton Road, feels the overlay zone in this area is unfair. Feels it is inappropriate as compared to the other areas included in the plan. Also feels this property owner had better attorneys than the Town, which allowed for this outcome. Also discussed traffic issues in the area and stated that residents are not moving cars during snowstorms as required by ordinance, and they are not being ticketed. Feels the Town is failing the residents in this area. Also feels this area is already overdeveloped and development of this property would only worsen the situation.

Mayor Brindle explained that she once resided on Carleton Road, so she is familiar with the area. Also informed residents that the Town fully intended to aggressively enforce parking during the last snowstorm, but because of the nature of the storm, the Police Department was needed to protect downed wires and trees and could not focus on enforcement.

Local real estate agent requested clarification as to the timeframe before building would occur on Ross Place. Also asked if the property owner would be required to disclose certain information.

Mr. Sammet discussed the need for court approval if the ordinances are adopted. The property owner also needs to apply to the Planning Board and Zoning Board, as well as the Building Department for permits. Explained that there are many variables, so a timeframe cannot be specified.

The Town Administrator addressed the question concerning the disclosure of certain information and explained that if it involves the sale of a property, that would be considered a legal question and the Town cannot respond.

Councilman Dardia suggested that Mr. Sammet or the Town Administrator provide an explanation as to the difference between affordable housing and low income housing.

Mr. Szabo discussed tiers of affordable housing and the guidelines that have to be followed. Explained that affordable housing is not Section 8 housing.

Mayor Brindle feels workforce housing is a more appropriate term than affordable housing, which means tenants are often comprised of teachers, municipal employees and millennials.

Ms. Garber asked if the designation of open space could be considered in the Ross Place neighborhood because she feels overdevelopment has occurred.

Mikhail Teterin, 535 Carleton Road, requested further information as to why this development was included in the plan, and asked how the Town would be impacted if the governing body decided not to adopt these ordinances because of opposition by residents.

The Town Administrator reiterated prior statements concerning this property and the fact that the property owner intervened. The Town was forced by law to consider this property. Feels if residents' knew what was originally proposed by this property owner, they might have a better understanding as to the settlement. Explained that while the end result might not be what residents want, it is the best agreement in light of the legal action that was taken by the property owner. Also mentioned that this property owner and the developer are in attendance tonight and are aware of the concerns expressed by residents. If the Town does not approve these ordinances, it might be found in contempt of court. This could impact the entire settlement, not just this property, which could be detrimental to the entire Town.

Henry Su, 515 Carleton Road, commended the property owner's attorneys because he does not understand how the Town has found itself in this position. Requested a better understanding as to the payment in lieu of affordable housing units and how the amount was agreed upon. Also asked how it became a special amendment to this overlay zone. Also stated that he does not understand how the density could be allowed to increase without affordable housing units. In addition, asked if the court documents and the property owner's original proposal were available. Feels these documents would be helpful to residents.

The Town Attorney discussed the settlement and the fairness hearing that were held in 2017. Also discussed the Housing Element and Fair Share Plan and encouraged residents to review it. In addition, discussed the settlement agreement and feels it is a very intelligent plan. Commended the prior Mayor and Town Council as well as the prior Town Attorney for seeing this plan through. Explained that when a party does not comply with a settlement, often times the court forces the party to comply with the settlement. Explained that the Town Council is now implementing a settlement that has already been agreed upon. In addition to holding the Town in contempt, the court would likely enforce the settlement that was reached. Stated that he understands the concerns expressed, as he once resided on Ross Place, but he highly recommends that the Mayor and Town Council move forward with these ordinances because they are required to do so by law.

Hearing no further comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2100 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2101 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS”

Advertised returnable this evening.

David Williams, Partner, Williams Nursery, 524 Springfield Avenue, discussed General Ordinance No. 2101 as to density, stating that the ordinance indicates that the density allows for the construction of a total of one hundred and thirty (130) housing units with twenty-six (26) units being affordable housing. Requested that the language be amended to read “twenty (20%) percent” rather than “twenty-six (26) units” because the number of units per acre could change and he is concerned that twenty-six (26) affordable housing units would be required, regardless of the total number of housing units built. Feels this would dramatically impact the value of the property. Also discussed the immunity this plan would provide through the year 2025 and asked if there is a timeframe in which the affordable units must be built.

Mr. Sammet explained that there is no deadline as to the construction of the affordable housing units, but the FSHC and court would monitor the Town to ensure progress is being made within the overlay zones. As to his request to amend the language within the ordinance, explained that the clause within the ordinance does not require that twenty-six (26) affordable housing units be built on the site, but is a reference to what the maximum allowable total unit count would be. In this instance, the total number of housing units would be one hundred and thirty (130), with twenty (20%) percent or twenty-six (26) being affordable housing units.

The Town Attorney reiterated Mr. Sammet’s statement that there is no requirement that twenty-six (26) affordable housing units be built. While an amendment to the ordinance would not be considered a substantive change and would not require reintroduction, republication would be required. Feels it is sufficient to have the minutes reflect that there is no intention that twenty-six (26) affordable housing units must be built, but only that twenty-six (26) affordable housing units may be built per a density of one hundred and thirty (130) total housing units.

Douglas Miller, 619 Carleton Road, referred to statements made concerning these ordinances and the explanation that the Town is attempting to include affordable housing in areas close to the central business district and the train station, and that the Ross Place development was included because it is close to these areas. Asked why the Williams Nursery property is included because it is not located near the central business district or the train station.

Councilwoman Neylan explained that the entire Town was reviewed for affordable housing.

Mr. Szabo explained that the Williams Nursery property was always included in the Town's affordable housing obligation under prior plans that were approved by the court. Explained that it is very difficult to remove a site with the reasoning that it is no longer appropriate for affordable housing because it was deemed to be appropriate under previous plans that were approved by the court. The Town would not be able to convince FSHC or the judge that it should no longer be included. In addition, under the second round of affordable housing rules, nurseries were identified as potential areas for affordable housing and were not exempted.

Mr. Miller feels this property does not meet the criteria under any circumstances because it is not in close proximity to the downtown or mass transit.

Mr. Szabo reiterated his previous statement that this property was included under prior affordable housing plans, and that it is difficult to remove a site that was approved under prior plans approved by the court and the Town.

The Town Administrator explained that this property was not included under this round of negotiations. It was included under earlier rounds back in the 1980's and 1990's. This ordinance is needed to comply with the Town's new affordable housing obligation. Explained that this round of negotiations did focus on transit-oriented locations, but back in prior rounds, such as when Williams Nursery was included, that was not the case.

Greg Williams, partner, Williams Nursery, referred to Mr. David Williams' request to amend the ordinance language from twenty-six (26) units to twenty (20%) percent. Explained that prior language in plans related to the affordable housing obligation for this property was always indicated as a percentage. Expressed concern as to whether one hundred and thirty (130) units could actually be built due to the amount of usable property and zoning. If less than one hundred and thirty (130) units were actually built, it seems that the ordinance would require that twenty-six (26) affordable housing units be built based on the language in the ordinance.

The Town Attorney explained that the Town's Housing Element and Fair Share Plan clearly indicates that twenty-six (26) affordable housing units is not a requirement, but that "up to" twenty-six (26) units would be required, if there is a total of one hundred and thirty (130) total units built.



Mr. Williams was agreeable to the Town Attorney's explanation and with a statement being included in the minutes as a point of reference if there were an issue in the future.

Hearing no further comments, Mayor Brindle declared the hearing closed.

### **PENDING BUSINESS**

An ordinance entitled, "GENERAL ORDINANCE NO. 2093 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB1-AHO DISTRICT AND MODIFYING THE ZONING MAP" by Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, "GENERAL ORDINANCE NO. 2094 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB2-AHO DISTRICT AND MODIFYING THE ZONING MAP" by Councilwoman Mackey, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2095 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE GB3-AHO DISTRICT AND MODIFYING THE ZONING MAP” by

Councilwoman Mackey, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2096 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE C-AHO DISTRICT AND MODIFYING THE ZONING MAP” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2097 – “AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO

ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE SW-AHO DISTRICT AND MODIFYING THE ZONING MAP" by Councilwoman Mackey, seconded by Councilwoman Habgood, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, "GENERAL ORDINANCE NO. 2098 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE PA-AHO DISTRICT AND MODIFYING THE ZONING MAP" by Councilwoman Mackey, seconded by Councilman Dardia, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, "GENERAL ORDINANCE NO. 2099 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS BY ESTABLISHING AN AFFORDABLE HOUSING OVERLAY ZONE DESIGNATED AS THE RP-AHO DISTRICT AND MODIFYING THE ZONING MAP" by Councilwoman Mackey, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, “GENERAL ORDINANCE NO. 2100 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

An ordinance entitled, GENERAL ORDINANCE NO. 2101 – AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT REGARDING COMPLIANCE WITH THE TOWN’S AFFORDABLE HOUSING OBLIGATIONS” by Councilwoman Mackey, seconded by Councilman Contract, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays:

Absent:

Arena

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

**BIDS****MINUTES**

On a motion by Councilman LoGrippo and seconded by Councilwoman Habgood, Council approved the Minutes of the Town Council Conference Session & Regular Meeting held February 27, 2018.

**PETITIONS AND COMMUNICATIONS****OPEN DISCUSSION BY CITIZENS**

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

William Wnuck, 109 Surrey Lane, head PAL Wrestling Coach, stated that he was surprised by the decision to delay the Tamaques Park project. Stated that he respects the position that individuals might want an opportunity to review the plan for a different perspective, but feels the wrestling program has been lost in the discussion. Explained that the team is growing, but there is currently no facility for them to use. A cafeteria is used and mats and tables need to be moved and cleaned each time there is a match. Stated that surrounding towns have beautiful facilities and feels it is a safety issue and an embarrassment that Westfield must use a cafeteria. Also feels the plan for Tamaques Park was considered carefully and he hopes that any delay would not be a lengthy delay.

Jay Berger, 5 Carol Road, board member, Westfield Baseball, coach of various teams, discussed the Tamaques Park renovation and feels if the project is delayed, kids will age out and turn to Xbox and television for recreation rather than playing outside. Urged the governing body to move forward with a project as quickly as possible.

James Leitner, Scotch Plains, stated that he is the founder of a non-profit group, Mission for Clean Water, which performs clean water sanitation projects for different countries in need. Explained that he completed several marathons while carrying five (5) pounds of water to symbolize what women and children go through in some countries to collect clean water. Stated that he also walked/ran across the country to San Francisco to demonstrate the amount of time and miles women and children spend collecting clean water in a year. Announced that he is hosting a virtual run on March 25, 2018, which is World Water Day. Explained that he would be walking/running for a full twenty-four (24) hours. Invited residents to join him and stated that participants wishing to join him could choose their time and distance.

Councilwoman Neylan departed the meeting.

Lauren Politi, 724 Tamaques Way, requested that the Tamaques Park project not be referred to as "Area 51". Also referred to Councilwoman Neylan's comments regarding the hard work and dedication that occurred with the affordable housing ordinances and feels the same dedication and hard work occurred with the plan for the Tamaques Park renovation. Stated that she understands Mayor Brindle's position as to the need to review the plan, but feels the hard work, money, studies and dedication should not be "thrown away". Believes all sports groups have agreed to the plan and feels to delay it means to "bury" it. Also feels including it with the Master

Plan review would take years, and if new elected officials come into office, it will continue to be delayed. Stated that more turf fields are needed because revenue is being lost when fields are rented in other municipalities. Feels the Tamaques Park plan was thoroughly researched and vetted. Requested information as to the decision to delay the project and the timeline as to when the project might move forward.

Mayor Brindle explained that she consulted with the Recreation Commission's chairperson, Gary Fox, and with Recreation Commission member, Peter Echausse, and assured Ms. Politi that none of the work or studies are being "thrown out". Feels there is misinformation and assumptions being circulated. Explained that she feels it would be irresponsible not to review the plan as a new mayor, and because there are new council members and professionals that were not involved with the plan. Also assured Ms. Politi that there would not be a four (4) year delay, and if a delay were to occur, the Mayor and Town Council should be held accountable. Feels there will be a delay of six (6) to twelve (12) months beyond what was projected.

Ms. Politi feels holding the Mayor and Town Council accountable will not prevent a delay from occurring. Stated that she does not understand why the work done is no longer considered valid because new council members are in office.

Mayor Brindle stated that she is not suggesting that the work that was done is no longer valid, but in conversations with Mr. Fox and Mr. Echausse, there were issues that were not considered because of the limited parameters provided. Also feels there is a misunderstanding as to how far along the project was in the process and stated that it had not been approved for funding. Feels it should be fully vetted before it comes to a vote for funding. Also feels public vetting is needed because people use Tamaques Parks for activities that are not sports related. Expressed concern with the additional traffic that would result in the park with the addition of a new field because people also use the park for walking, jogging and biking. Explained that she is only suggesting that certain items be revisited. Also stated that she has children that play sports and does not need to be convinced that there is a need for more lighted fields. Feels there is an obligation to ensure that a prudent and responsible decision is made. Also explained that she understands that it is difficult to get things done in municipal government, but she does not want to settle on a project. Feels a project of this size and cost should be the best project for the entire community.

Tom Miller, 521 Prospect Street, stated that he is the Vice President of the PAL Board, President of Westfield Wrestling Foundation, former President of the PAL Wrestling Program, and coach of various Town sports. Explained that in 2013, there was a safety hygiene issue that occurred with using the mats in the cafeteria, which caused a massive skin disease to occur. At that time, he began to work with Board of Education and the Town to address facility issues. Stated that he understands the need for the Mayor and Town Council to review the plan, but requested that it be done with a sense of urgency.

Bob Burslem, 256 Kimball Avenue, stated that he agrees with the coaches and sports program participants and their reason for wanting this addressed. Spoke to the use of Tamaques Park for recreational purposes and stated that, considering what happens with land use and the Master

Plan, Tamaques Park has always been a mixed use park, but predominantly an activity-oriented park. Stated that his father was involved with the establishment of Little League Football, before there was PAL, and Tamaques Park was the predominant location. Feels there would not be a change of use if something more permanent was done in Tamaques Park by way of fields, whether they are artificial turf or conventional fields.

Councilman LoGripio discussed the various sports his children are involved in and his frustration with the decision to delay the Tamaques Park project. Stated that he would have preferred that the Mayor approached the Recreation Commission differently about the decision. Also discussed funds expended for consultants in connection with the project and stated that he hopes a solution is reached.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

### **BILLS AND CLAIMS**

On motion by Councilwoman Habgood, and seconded by Councilman Mackey, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$2,175,553.71 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

### **REPORTS OF STANDING COMMITTEES:**

#### **Finance Policy Committee**

The following resolutions, introduced by Councilwoman Habgood, Chairman of the Finance Policy Committee, and seconded by Councilwoman Mackey, were unanimously adopted.

#### **Resolution No. 58**

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
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BOA 17-45      Jason Yarusi      1015 Columbus Avenue      8-05-560-642      \$948.97  
**Return to:      Jason Yarusi      246 North Avenue Suite 1      Garwood      07027**

**Resolution No. 59**

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$282.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of February 2018.

**Resolution No. 60**

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Robert Saunders      Lot 8      #18080199      \$550.00  
241 North Ave, West 2<sup>nd</sup>. Floor  
Westfield, NJ 07090

James Rea      South Side RR Stn/Lot 3      #17030605      \$280.00  
42 Normandy Drive  
Westfield, NJ 07090

**Resolution No. 61**

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Sandra Ing 210 North Chestnut St. Westfield, NJ 07090	T05-600-071	Voice for Kids	75.00
Lindsey Wunderle 822 Fairacres Ave Westfield, NJ 07090	T05-600-071	Volleyball (7 & 8 Grades)	150.00
Bonnie Goldner 131 Clifton Street Westfield, NJ 07090	T05-600-071	Tai Chi Class	30.00
Trish Pranke 636 Prospect Street Westfield, NJ 07090	T05-600-071	Volleyball Clinic	140.00

**Resolution No. 62**

WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at The Westwood for Westfield residents is scheduled for Sunday, March 11, 2018 and,



WHEREAS, the balance payment for each participant to Just Bead Yourself is required the week of the event.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to Just Bead Yourself located at 113 Central Ave., Westfield, NJ 07090 in an amount not to exceed \$250.00 charged to the Recreation Department's Trust 217 Account (T05-600-071).

**Resolution No. 63**

WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at The Westwood for Westfield residents is scheduled for Sunday, March 11, 2018 and,

WHEREAS, payment for each participant to Lifetouch is required the week of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to Lifetouch located at 1170 Pontiac Ave., Cranston, RI 02920 in an amount not to exceed \$2,400.00 charged to the Recreation Department's Trust 217 Account (T05-600-071).

**Resolution No. 64**

WHEREAS, the Westfield Recreation Department's annual Daddy-Daughter Dance held at The Westwood for Westfield residents is scheduled for Sunday, March 11, 2018 and,

WHEREAS, payment for each participant to The Westwood is required day of the event;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare warrants for participant payment to The Westwood located at 438 North Ave., Garwood, NJ 07027 in an amount not to exceed \$500.00 charged to the Recreation Department's Trust 217 Account (T05-600-071).

**Resolution No. 65**

WHEREAS, at a meeting held on November 21, 2017, the Town Council of the Town of Westfield approved a contract for a Telecommunications system under Union County Coop Contract #42-1017 with Johnson Communications, 322 Belleville Turnpike, North Arlington, NJ 07031 under Resolution 2017-257, and

WHEREAS, delays in purchasing said equipment extended into 2018, triggering an increase in the original purchase price over the five (5) year lease agreement period, from \$202,589.64 to \$204,912.18, an increase of \$2,325.54.

NOW THEREFORE BE IT RESOLVED, that the original contract with Johnston Communications for a 911/Telecommunications System be amended to \$204,912.18, and

BE IT FURTHER RESOLVED that the Certificate of the Town Treasurer, certifying the availability of adequate funds for the Contract, be amended to reflect this change, subject

to funding in subsequent budget years, under Purchase Order 17-04627 and that the proper Town Officials be, and they are hereby authorized to act as appropriate in the execution and discharge of this contract:

Johnston Communications                      911/Telecommunications System  
322 Belleville Turnpike  
North Arlington, NJ 07031

Financing of this purchase provided through:  
Municipal Capital Finance  
4600 Broadway  
Allentown, PA 18104-3214

### **Resolution No. 66**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Town Council of the Town of Westfield, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

The following resolution, introduced by Councilwoman Habgood, Chairman of the Finance Policy Committee, and seconded by Councilman Dardia, was adopted by the following roll call vote:

### **Resolution No. 67**

WHEREAS, a condition has arisen with respect to either funds being needed for salaries and wages and/or contracts, commitments or payments being due to various vendors prior to the adoption of the 2018 Budget, and no provision was made in the 2018 Temporary Budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provisions of N.J.S.A. 40:4-20 (Chapter 96, P.L. 1951, as amended) including this resolution total \$5,619,319.00 for the Current Fund and \$38,000.00 for the Swimming Pool Utility Fund,

NOW, THERFORE, BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2018 Budget under the titles shown and for the amounts given as follows:

### **Current Fund**

	Salaries & Wages	Other Expenses
Administrative & Executive	22,000.00	14,000.00
Town Clerk	20,000.00	
Collection of Taxes		6,000.00
Assessment of Taxes	16,000.00	
Financial Administration	28,000.00	4,000.00
Legal Services & Costs		
Municipal Court	27,000.00	4,000.00
Municipal Prosecutor		
Engineering Services	54,000.00	
Public Works	236,000.00	462,000.00
Rahway Valley Sewerage Authority		90,000.00
Public Buildings & Grounds		16,000.00
Fire Department	245,000.00	73,000.00
Fire Official	12,000.00	1,500.00
Fire Hydrant Service		39,000.00
Parking Administration	3,000.00	
Police Department	461,000.00	117,000.00
Crossing Guards	49,000.00	
Emergency Management		1,000.00
Inspection of Buildings	46,000.00	52,000.00
Electricity		36,000.00
Street Lighting		54,000.00
Water		4,000.00
Gasoline		31,000.00
Board of Health	94,000.00	24,000.00
Recreation	23,000.00	300.00
Celebration of Public Events		1,000.00
Maintenance of Free Public Library	61,000.00	
Social Security System (OASI)		34,000.00
Defined Contribution Retirement Plan (DCRP)		8,000.00
Public Employees Retirement System (PERS)		973,143.00
Police & Firemen's Retirement System (PFRS)		2,214,676.00
Subtotal	1,397,000.00	4,259,619.00

In the total amount of \$5,656,619.00

### **Swimming Pool Utility Fund**

	Salaries & Wages	Other Expenses
Swimming Pool Operations	26,000.00	
Public Employees Retirement System (PERS)		6,000.00
Social Security (OASI)		6,000.00
Subtotal	26,000.00	12,000.00

In the total amount of \$38,000.00

Yeas: Habgood	Nays:	Absent: Neylan
Arena		
Dardia		
LoGrippo		
Contract		
Stokes		
Mackey		
Mayor Brindle		

### Public Safety, Transportation and Parking Committee

#### Code Review & Town Property Committee

The following resolution, introduced by Councilwoman Mackey, Chairman of the Code Review & Town Property Committee, and seconded by Councilwoman Habgood, was adopted by the following roll call vote:

#### **Resolution No. 68**

WHEREAS, the Planning Board of the Town of Westfield, County of Union, State of New Jersey adopted a Housing Element and the Fair Share Plan on March 5, 2018; and

WHEREAS, the Governing Body of the Town of Westfield wishes to endorse the Housing Element and Fair Share Plan as adopted by the Planning Board of the Town of Westfield on March 5, 2018.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Town of Westfield located in Union County in the State of New Jersey hereby endorses the Housing Element and Fair Share Plan as adopted by the Planning Board of the Town of Westfield on March 5, 2018; and

BE IT FURTHER RESOLVED that the Governing Body of the Town of Westfield hereby authorizes and directs its professionals to file the Housing Element and Fair Share Plan with the Court for review and approval.

Yeas: Habgood

Nays:

Absent: Neylan

Arena

Dardia

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

#### Public Works Committee

#### Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$74,381.00 for the month of February 2018 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$12,408.50 representing monies collected during the month of February 2018.

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$7,653.00 during the month of February 2018 was received, read, and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Fees collected in February 2018 in the amount of \$4,333.00 was received, read and ordered filed.

#### **ADJOURNMENT**

A motion to adjourn made by Councilman Stokes and seconded by Councilwoman Mackey at 10:44 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC  
Town Clerk